

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA)	
)	
)	
v.)	Criminal No. 3:07-00221
)	Judge Trauger
HAROLD STAFFORD)	

MEMORANDUM and ORDER

The defendant has filed a Motion For Judgment of Acquittal and New Trial pursuant to Rule 29(c), FED. R. CRIM. P., (Docket No. 130), to which the government has responded in opposition (Docket No. 132). The two-and-one-half-page Memorandum of Law in Support (Docket No. 131) argues that the evidence was insufficient for the jury to properly convict the defendant of all 51 counts alleged in the Indictment.¹

A motion for judgment of acquittal on the basis of insufficient evidence calls upon the court to examine “whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubtThis review is quite limited [The] court does not weigh evidence, make credibility determinations, or substitute its judgment for that of the jury.” *United States v. Owusu*, 199 F.3d 329, 341-42 (6th Cir. 2000) (internal citations omitted).

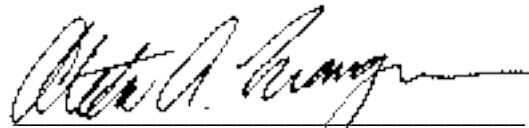
The defendant maintains generally that there was insufficient evidence that the defendant (1) entered into a criminal conspiracy, (2) forged documents, made false statements or caused

¹The defendant also reasserts as a ground for this motion the contact that a juror had with one of the prosecutors after the verdict was returned. The court has ruled on that separate motion made by the defendant (Docket No. 119) in a separate Memorandum and Order and, therefore, will not discuss this additional ground in this opinion.

monies to be transmitted by wire communications, or (3) was guilty of the substantive crimes under the Pinkerton Doctrine. The court has reviewed its notes of the evidence produced at trial as well as the detailed recitation of the proof supporting each charge contained in the government's Response (Docket No. 132) under the standard announced above. The court finds that a rational jury could have found the essential elements of the crimes alleged in Counts 1 through 51 of the Indictment beyond a reasonable doubt. For these reasons, the defendant's Motion For Judgment of Acquittal and New Trial (Docket No. 130) is **DENIED**.

It is so **ORDERED**.

ENTER this 18th day of February 2009.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', is written over a horizontal line.

ALETA A. TRAUGER
U.S. District Judge